

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

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|------------------------------------|---|----------------------------|
| BOBBY JOE GRUNDY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 4:09-CV-515-VEH-PWG |
| |) | |
| COMMISSIONER RICHARD ALLEN, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OF OPINION


The magistrate judge filed a report and recommendation on November 5, 2009, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on November 19, 2009, in which he restated his claim that he is being denied adequate medical care because the defendants have failed to refer him to a free world specialist and claimed the report and recommendation were filed prematurely.

This action was originally filed in state court, but removed to federal court by the defendants pursuant to 28 U.S.C §§ 1441 et seq., which provides for the removal to federal court of a case originally filed in state court. The plaintiff claims that the removal was contrary to the law and the report and recommendation was filed prematurely. (Doc.#21) The plaintiff does not provide any facts to support this claim,

but implies that this court usurped the authority of the state court. The plaintiff's argument is without merit.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

DONE this the 3rd day of December, 2009.



VIRGINIA EMERSON HOPKINS
United States District Judge